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5 UNITED STATES DISTRICT COURT
6 DISTRICT OF NEVADA

7 ANTONIO M. BREAKMAN,

8 Plaintiff,

9 v.

10 JAMES DZURENDA et al.,

11 Defendants.
12 _____

2:18-cv-00128-GMN-VCF

ORDER

13 **I. DISCUSSION**

14 Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections
15 (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1).
16 Plaintiff has neither paid the full filing fee for this matter nor filed an application to proceed *in*
17 *forma pauperis*.¹

18 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
19 application to proceed *in forma pauperis* and attach both an inmate account statement for the
20 past six months and a properly executed financial certificate. The Court will retain Plaintiff’s
21 civil rights complaint (ECF No. 1-1), but will not file it until the matter of the payment of the
22 filing fee is resolved. Plaintiff will be granted an opportunity to file an application to proceed
23 *in forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff chooses
24 to file an application to proceed *in forma pauperis* he must file a fully complete application to
25 proceed *in forma pauperis*.

26 **II. CONCLUSION**

27 For the foregoing reasons, IT IS ORDERED that the Clerk of the Court SHALL SEND
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¹ Plaintiff has submitted a financial certificate and an inmate account statement. (ECF No. 1-2).


1 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as
2 the document entitled information and instructions for filing an *in forma pauperis* application.

3 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,
4 Plaintiff shall either: (1) file a fully complete application to proceed *in forma pauperis*, on the
5 correct form with complete financial attachments in compliance with 28 U.S.C. § 1915(a); or
6 (2) pay the full \$400 fee for filing a civil action (which includes the \$350 filing fee and the \$50
7 administrative fee).

8 IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order,
9 dismissal of this action may result.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
11 No. 1-1), but shall not file it at this time.

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13 DATED: This ^{25th} _____ day of January 2018.

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16 United States Magistrate Judge
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